

REMARKS/ARGUMENTS

Claims 1-32 were pending in this application when last examined by the Examiner. Claims 1, 7, 11, 18, 24, 27, and 31-32 have been amended. Claims 33-34 have been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reconsideration and an early indication of allowance of the now-pending claims 1-34 are respectfully requested.

Claims 1-4, 6-10, 17, 19, 21, 27-29, and 31-32 are rejected under U.S.C. 103(a) as being unpatentable over Swix et al. (U.S. Patent No. 6,718,551) in view of Grube (U.S. Patent No. 6,026,366). Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swix in view of Grube and further in view of Stewart et al. (U.S. Patent No. 6,414,635). Claims 11-14, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swix in view of Grube and further in view of Shoff et al. (Pub. No. 2001/0001160A1). Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swix in view of Grube, further in view of Shoff, and further in view of Lobb et al. (U.S. Patent No. 6,699,127). Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swix in view of Grube, further in view of Shoff, further in view of Lobb, and further in view of Camut et al. (U.S. Patent No. 6,684,257). Claims 15-16, and 25-26 are rejected under U.S.C. 103(a) as being unpatentable over Swix in view of Barton et al. (U.S. Patent No. 6,233,389) and further in view of Official Notice. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swix in view of Official Notice. Applicant respectfully traverses these rejections.

Independent claim 1, as amended, recites that the single server system transmits interactive content "to plural types of local devices having different hardware platforms over a data communications network." (Emphasis added). For example, one local device may be a set-top box while another is a PC, or both may be set-top boxes but from different manufacturers. (See, specification, page 6, lines 14-23). Thus, "[t]he system of the present invention allows for a single interactive system to provide interactivity to and among users of various client hardware devices." (Specification, p. 6, lines 14-16). (Emphasis added). Specifically, the "base software

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program" that is downloaded to each local device allows the messages transmitted by the server system to be interpreted to "display[] the interactive content in accordance with requirements associated with the type of local device."

Neither Swix nor any of the cited references are directed to connecting different local devices, such as PCs, set-top boxes, net-top devices, and wireless devices under a centralized system to provide interactive content to such varying local devices via the centralized system. As described in Applicant's Background, the prior art interactive television market lacks standard hardware and software, resulting in products of several companies operating on separate systems. (Specification p. 1, lines 10-13). Thus, each cable headend, satellite broadcast system, etc. uses its own hardware and software within the system. Nothing in Swix nor the other cited references indicate that they are deviating from the prior art to provide a mechanism that allows different such systems to act as one cohesive system. As such, Swix fails to teach or suggest a method where a server system transmits interactive content "to plural types of local devices having different hardware platforms." In fact, the head end in Swix communicates with devices of the same type, i.e. all set-top boxes. Although the head end in Swix identifies a particular subscriber's set-top box, it does not identify "plural types" of local devices having different hardware platforms."

None of the cited references make up for the deficiencies in Swix. Accordingly, claim 1 is in condition for allowance.

Independent claim 27 includes limitations similar to the limitations of claim 1 which make claim 1 allowable. Accordingly, claim 27 is also in condition for allowance.

Claims 2-26 and 28-32 are also in condition for allowance because they depend on an allowable base claim and for the additional limitations that they contain. Specifically with respect to claim 11, this claim, as amended, adds the limitation that "at least two of the plural types of local devices are programmed to display an identical portion of the interactive content in a manner different from each other in terms of location of content on a display." (Emphasis added). The Examiner acknowledges that Swix and Grube fail to teach this limitation, but relies on Shoff to make up for this deficiency. Shoff, however, teaches embedding the display layout

information in the supplemental content that is delivered to the viewer computing unit. (See, Abstract; par. 0081). The embedded display layout includes location information. (See, par. 0068). The viewer computing unit retrieves the embedded layout information and uses it to determine, for instance, the location in which the supplemental content is to be displayed. (See, 0068). Thus, in Shoff, all recipient devices would receive the same layout information and hence, all display the supplemental content based on the same location data. Accordingly, claim 11 is also in condition for allowance for its added limitations.

Claim 18, as amended, adds the limitation that "a first one of the plural types of local devices is programmed to receive and present a portion of the content from the server system in one manner, and a second one of the plural types of local devices is programmed to receive and present the same portion of the content from the server system in another different manner." (Emphasis added). For the reasons discussed above with respect to claim 11, Shoff fails to teach or suggest this limitation. Accordingly, claim 18 is also in condition for allowance for its added limitations.

Claim 24 adds the limitation that "the plurality of display options are limited by a content display interface in each one of the plural types of local devices based on the type of local device identified by the server system." (Emphasis added). Camut fails to disclose this limitation. Camut teaches Web content transcoding to tailor Web content to a requesting client based on detected capabilities of the client. (Col. 3, lines 24-34). Even if assuming, *arguendo*, that Camut's transcoding limits the display options, the transcoding is done by a central Web server and/or transcoding proxy, and not by the claimed "content display interface in each one of the plurality types of local devices." (Emphasis added). Accordingly, claim 24 is also in condition for allowance for its added limitations.

Claim 30 adds the limitation that "layout of the interactive content varies depending on the type of local device displaying the interactive content." The Examiner takes Official Notice that "it is well known to vary the layout of any type of content depending on the type of local device." Applicant respectfully traverses this Official Notice. As discussed above with respect to claim 1, the prior art does not provide a cohesive system in which different types of local

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devices can work together within a single server system. Hence, there is no need to vary layout depending on the "type of local device" since type consideration does not even come into play in the prior art. (Emphasis added). If the Examiner continues to disagree, Applicant respectfully requests evidence to support the assertion that the limitations of claim 30 are "well known."

Claim 31 adds the limitation that "the plural types of local devices include a personal computer and a set-top box, or a set-top box and a net-top device, or a set-top box and a wireless device." As discussed above with reference to claim 1, Swix fails to teach or suggest "plural types of local devices," and much less, the specific groupings of local devices claimed in claim 31. Accordingly, claim 31 is in condition for allowance for the additional limitations that it contains.

Claims 33 and 34 are new in this application. Claims 33 and 34 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain. Specifically, claim 33 adds the limitation that "the plural types of local devices are manufactured by different manufacturers." None of the cited references teach or suggest this limitation. In fact, because of the state of the art, a skilled artisan would assume that that multiple set-top boxes in Swix are all from the same manufacturer. Accordingly, claim 33 is also in condition for allowance for its added limitation.

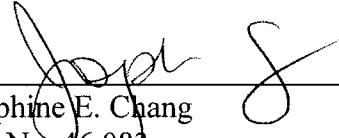
Claim 34 adds the limitation that "the selected base software is automatically transmitted to a receiving local device without express selection of the software from the receiving device." Although Grube discloses the transmitting of software by a host computer to a remote computer, any such transmitting first requires that the remote computer transmit to the host computer a specific selection of the desired software. Accordingly, claim 34 is also in condition for allowance its added limitation.

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In view of the above amendments and remarks, reconsideration and an early indication of allowance of the now-pending claims 1-34 are respectfully requested.

Respectfully submitted,
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